

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JAMES C. PATTERSON, Petitioner, v. CHARLES MIMS, Warden, Respondent.	: : : : : : : : : : :	Case No. 5:22-cv-435-MTT-CHW Proceedings Under 28 U.S.C. § 2254 Before the U.S. Magistrate Judge
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ORDER

Following the Court’s show cause order directing Petitioner to notify the Court if he intended to dismiss the unexhausted claims raised in his mixed Section 2254 petition or risk having the entire petition dismissed (Doc. 42), Petitioner moved to dismiss his unexhausted claims. (Doc. 43). As a result, the Court rejected the recommendation to dismiss the petition, denied Respondent’s motion to dismiss, granted Petitioner’s partial motion to dismiss, and permitted Petitioner to proceed on his exhausted claims. (Doc. 44). In light of these rulings, Respondent is **ORDERED** to amend or supplement his answer (Doc. 29) with any additional argument or brief in support of his position within 30 days of this Order.

The parties are reminded that no discovery shall be commenced by either party without the express permission of the Court. Unless and until Petitioner demonstrates to this Court that the state habeas Court’s fact-finding procedure was not adequate to afford a full and fair evidentiary hearing or that the state habeas court did not afford the opportunity for a full, fair, and adequate hearing, this Court’s consideration of this habeas

petition will be limited to an examination of the evidence and other matters presented to the state trial, habeas, and appellate courts.

SO ORDERED, this 16th day of February, 2024.

s/ Charles H. Weigle

Charles H. Weigle

United States Magistrate Judge